

Stein et al.

S/N: 10/605,738

REMARKS

Claims 24-43 are pending in the present application. In the Office Action mailed March 24, 2005, the Examiner rejected claims 24-43 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of co-pending Application No. 10/605,546. The Examiner next rejected claims 24-43 under 35 U.S.C. §102(b) as being anticipated by Prunier (FR 2,536,320). Claims 24-43 were further rejected under 35 U.S.C. §102(b) as being anticipated by Srba (USP 4,942,281).

The drawings were objected to as failing to comply with 37 CFR §1.84(p)(5). Amended drawings are enclosed incorporating the changes requested by the Examiner.

The disclosure was objected to because of certain informalities. Applicant has made the appropriate corrections.

The Examiner first rejected claims 24-43 under 35 U.S.C. §102(b) based on the French reference Prunier. As acknowledged by the Examiner, only the Abstract of the French reference was relied upon as a complete English translation of the reference was unavailable. However, Applicant would like to remind the Examiner that rejections based on abstracts are generally considered improper. MPEP §706.02. As is widely recognized, abstracts are commonly misleading, inaccurate, and incomplete. As such, MPEP §706.02 is clear that abstracts should only be relied upon in very limited circumstances. Specifically, "[i]n limited circumstances, it may be appropriate for the examiner to make a rejection in a non-final Office action based in whole or in part on the abstract only without relying on the full text document." *Id.* In these limited circumstances, "the full text document and a translation (if not in English) may be supplied in the next Office action." *Id.* As such, Applicant hereby requests the Examiner provide an English translation of the full text of the French reference with any subsequent action relying upon the reference.

Notwithstanding the reliance on only the Abstract of the French reference, the Abstract fails to teach or suggest that which is claimed. The Abstract discloses water-cooled welding torches. However, Applicant has not claimed only a water-cooled torch. The claimed invention, as defined by claim 24, is directed to a welder that comprises, in part, a cooling system and a power conditioner disposed in a common enclosure. The Abstract of the French reference as well as the accompanying Figure fail to teach or suggest such a limitation. The Figure shows a wire feed supply and a cooling system that share an enclosure, but there is no teaching or suggestion that a power conditioner and cooling system can be commonly enclosed. As such, it is believed

Stein et al.

S/N: 10/605,738

that claims 24-43 are patentably distinct from that disclosed and/or suggested by the French reference.

The Examiner also rejected claims 24-43 as being anticipated by Srba. Applicant has amended claim 24 to clarify that the cooling system, which is housed together with a power conditioner in a common enclosure, has a coolant tank that is also disposed within the enclosure and designed to be a source of coolant to be delivered to a welding torch and a dump for coolant that has been circulated to the welding torch. The reference teaches, in one embodiment, a welding apparatus and a coolant supply system that while supported on a common steel frame are not housed within a common enclosure. Srba clearly teaches that the coolant supply system is housed within one cabinet and the welding apparatus is housed within another cabinet; both of which are supported by a steel frame. See col. 5, lns. 34-65.

Additionally, contrary to the assertions of the Examiner, in the embodiment illustrated in Fig. 5 of the reference, Srba fails to teach or suggest a common enclosure for the coolant supply system and the welding apparatus. That is, as shown in the Figure, while the multi-torch interface assembly and welding apparatus are integrated into a single structure, the coolant supply system, generally referenced "16", is not enclosed within the same enclosure as the welding apparatus. Further, as illustrated, the return and supply lines, generally referenced "40" and "42", respectively, are connected exteriorly of the cabinet housing the welding apparatus.

Further, one skilled in the art would readily appreciate that the manifold, generally referenced "142", taught by Srba as being incorporated into the multi-torch interface assembly, is not a coolant tank, as presently called for in claim 24. First, it must be noted that Srba clearly identifies the "coolant supply 16" as being different from "manifold 142". As such, the Examiner's interpretation of the references contradicts the very teachings of the reference. Moreover, one skilled in the art would appreciate that a manifold is a distribution device used to route coolant from a coolant supply to a plurality of distribution channels, but is not a coolant supply. Additionally, Srba teaches that the manifold can be used to route coolant delivered from a coolant supply to a number of distribution channels or return distributed coolant to the coolant supply. See col. 8, lns. 55-68 . col. 9, lns. 11. However, in neither case is the manifold the source of coolant and, similarly, in neither case is the manifold the dump for coolant that has been circulated to a welding torch, as called for in claim 24.

For instance, Srba neither teaches nor suggests that the manifold includes any valves that prevent the flow of coolant therethrough. As such, the manifold cannot be considered a holding tank for coolant. This is particularly evident given that Srba has separately provided a coolant

Stein et al.

S/N: 10/605,738

tank or supply for feeding or reclaiming coolant from the manifold. Additionally, one skilled in the art would recognize that coolant held within a coolant tank is used as a heat dump. In this regard, when heated coolant is reclaimed from a welding torch, the coolant held in a coolant tank can be used to remove heat from the reclaimed coolant. A manifold cannot perform such a task. That is, coolant flows uninterrupted through the manifold and thus does not maintain a supply of coolant that can be used as a heat dump, as presently claimed. Accordingly, it is believed that the subject matter of claim 24 is patentably distinct from that taught by Srba.

Further, while it is believed that claims 25-33 are patentable as being dependent upon an otherwise allowable claim, Applicant would like to highlight a few of the distinctions called for in claims 25-33. Specifically, claim 25 further defines the cooling system as being configured to automatically commence coolant circulation through the torch when an electrode is presented to a weld. Claim 26 further defines the cooling system as being configured to maintain coolant flow through the torch until a temperature of the welding temperature falls below a temperature set point. Claim 27 further defines the cooling system as being configured to maintain coolant flow until expiration of a time period following removal of an electrode from a weld. None of the above features of the claimed invention is taught, disclosed, or taught by Srba. Therefore, notwithstanding their allowance as being dependent upon otherwise allowable claims, Applicant believes that claims 25-27 also call for subject matter not disclosed by Srba. Further, while claims 28-33 have not been specifically addressed, it is believed these claims also call for subject matter not disclosed, taught, and/or suggested by Srba.

Accordingly and in light of at least the foregoing, Applicant requests allowance of claims 24-33.

The Examiner also rejected claims 34-39 as being anticipated by Srba. Claim 34 calls for, in part, a cooling system disposed in an enclosure that also has a power supply circuit disposed therein and that circulates coolant to regulate a temperature in at least the enclosure. Srba neither teaches nor suggest such a cooling system.

Srba teaches a cooling system that regulates the temperature of inert gas torches that are connected to a multi-torch interface assembly. See Abstract. Srba teaches such a coolant supply system "because TIG type welding processes require the circulation of coolant". Col. 5, lns. 60-61. However, there is no teaching in Srba that the cooling system is used to control the temperature of anything other than the TIG torch. That is, Srba neither explicitly nor implicitly teaches that the cooling system is used to control the temperature of at least the enclosure in

Stein et al.

S/N: 10/605,738

which the cooling system and power supply circuit are commonly housed. As such, it is believed that claim 34 is in condition for allowance.

Additionally, while each of the dependent claims is believed to call for subject matter that further defines the present invention over the art of record, Applicant will briefly address claims 38 and 39. These claims further define the welding-type power source as comprising a controller that regulates the cooling system to automatically circulate coolant at start-up of a welding process and maintain coolant circulation after termination of the welding-type process if a temperature in a welding-type torch connected to the enclosure exceeds a threshold, respectively. Therefore, notwithstanding their allowance as being dependent upon an otherwise allowable claim, Applicant believes that claims 38-39 also call for subject matter not disclosed by Srba. Further, while claims 35-37 have not been specifically addressed, it is believed these claims also call for subject matter not disclosed, taught, and/or suggested by Srba.

Accordingly and in light of at least the foregoing, Applicant requests allowance of claims 34-39.

The Examiner also rejected claims 40-43 as being anticipated by Srba. Claim 40 has been amended to clarify that the check valve is configured to be controlled to automatically overcome a closed bias when a welding torch connected to a power source is activated. In contrast, Srba teaches control of a coolant flow valve, generally referenced "86", that is controlled by "hand". Specifically, Srba teaches that "the welder also hand manipulates a coolant flow valve 86 which is seen to incorporate a hand graspable torch assembly coolant selector component or handle 88 which is hand moved to any of three positions corresponding with the elected torch assembly 68-70." Col. 7, lns. 35-40. As set forth in the above excerpt from Srba, the reference clearly teaches hand controlling of a coolant flow control valve rather than a check valve that is controlled to automatically overcome a flow-prevention bias when the welding torch is activated. Therefore, it is believed that claims 40-43, as amended, call for subject matter that is patentably distinct from the art of record. Allowance thereof is requested.

The Examiner also provisionally rejected claims 24-43 as being unpatentable over claims 1-23 of co-pending application, U.S. Ser. No. 10/605,546. Applicant respectfully disagrees, but given that such a rejection is "provisional", Applicant does not believe additional remarks are necessary and reserves the right to address the Examiner's conclusion should the provisionality of the rejection be removed.

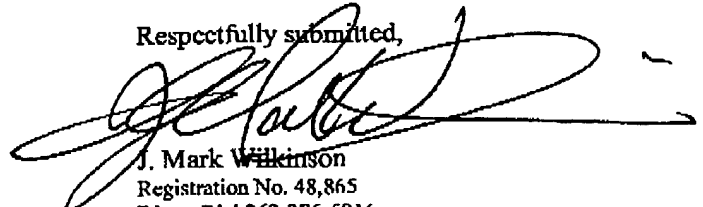
Stein et al.

S/N: 10/605,738

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 24-43.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



J. Mark Wilkinson
Registration No. 48,865
Direct Dial 262-376-5016
jmw@zpspatents.com

Dated: May 17, 2005
Attorney Docket No.: ITW7510.054

P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170